



United States Attorney
Southern District of New York

The Jacob K. Javits Building
26 Federal Plaza
New York, New York 10278

November 26, 2024

BY ECF

The Honorable Richard J. Sullivan
United States Circuit Judge (Sitting by Designation)
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Devontae Newton, 18 Cr. 373 (RJS)

Dear Judge Sullivan:

The Government respectfully submits this joint letter on behalf of the parties.

Last week, the Court adjourned sentencing to give the defense additional opportunity to provide to the Government records that would corroborate defendant Devontae Newton's reason for driving on July 16, 2024. To date, the Government has not received relevant records from the defense.¹ Yesterday afternoon, the defense provided the name of the medical institution that purportedly issued a cardiological prescription for the defendant's newborn son. The Government has served a subpoena on that medical institution but has not yet received responsive documents. The defense has also represented that it will continue seeking, from the defendant and from the defendant's wife, D.B., any corroborating material. The Government has requested that the defense provide: (a) a copy of the prescription, (b) the name of the physician that purportedly issued the prescription, (c) the date of the appointment which led to the issuance of this prescription, and (d) the name of the pharmacy to which this prescription was purportedly sent.

The parties jointly propose the following: (1) no later than December 5, 2024, the parties will advise the Court if any corroborating material has been provided to the Government and will file any supplemental submissions that take into account the production (or nonexistence) of

¹ Earlier today, the Probation Office forwarded to the Government a photograph of what appears to be an additional page of the discharge paperwork originally submitted as Exhibit A of the defense's sentencing submission. Based on the Government's review, this part of the paperwork does not appear to reference any prescription for cardiology medicine.

corroborating materials, and (2) sentencing can be scheduled, at a time convenient to the Court, the week of December 9, 2024.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Jun Xiang
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CC (ECF)

All Counsel of Record

Michael Stec, Probation Office, E.D.N.Y. (By Email)
LaToya Harris, Probation Office, S.D.N.Y. (By Email)

The Court approves the parties' joint proposal. IT IS HEREBY ORDERED that the parties shall submit any corroborating materials, along with any supplemental submissions, by December 5, 2024. IT IS FURTHER ORDERED that Supervisee's sentencing shall be held on December 13, 2024 at 2:30 pm in Courtroom 21C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007.

SO ORDERED.

Dated: November 27, 2024
New York, New York



Hon. Richard J. Sullivan
United States Circuit Judge
Sitting by Designation